

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA

v.

YOUNG YI,
Defendant.

Case No. 17-CR-224

Trial: July 16, 2018

Hon. Liam O'Grady

UNITED STATES' VOIR DIRE REQUESTS

The United States of America, by and through undersigned counsel, respectfully requests that the Court include the attached questions in *voir dire*.

Respectfully submitted,

G. Zachary Terwilliger
United States Attorney

Sandra Moser
Acting Chief, Fraud Section
Criminal Division
U.S. Department of Justice

By: /s/
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REQUEST NO. 1

1. Do any of you know or recognize the defendant, Young Yi?
2. Do any of you know or recognize Katherine Wong, Kevin Lowell, or Ryan Faulconer, the government's attorneys who will be prosecuting this case, or Special Agent Laura Walker, FBI, or paralegal Keeley Sandvig, who will be sitting at counsel table with the prosecutors?
3. Do any of you know or recognize Kirk Ogrosky, Ian Hoffman, Preston Smith, or the law firm Arnold & Porter, who are representing Young Yi?
4. Do any of you know any of the following people? [Here read the parties' respective witness lists.]

REQUEST NO. 2

1. Is there anyone who would believe, or disbelieve, the testimony of a law enforcement agent solely because he or she is a law enforcement agent?
2. During the trial, you may see objects and documents that were lawfully seized after law enforcement obtained a lawful search warrant from a federal magistrate judge. A search is often a necessary law enforcement tool and, in the context of this case, is entirely legal. With this in mind, do you have views on the use of searches and evidence recovered during the course of searches that would make it difficult for you to consider such evidence fairly and impartially?

REQUEST NO. 3

1. Have you, a family member or a close friend ever participated in a criminal case as a complainant, a defendant, a witness, or in some other capacity?

[If any juror answers affirmatively, it is requested that the following questions be asked at the bench.]

- a. Was this a Federal, State, or local proceeding?
- b. Without going into detail, would you please describe the nature of your involvement?
- c. Do you feel that what you have just described would in any way affect your ability to serve as a fair and impartial juror in this case?

REQUEST NO. 4

1. Have any of you served as a juror before?

[If any juror answers affirmatively, it is requested that the following questions be asked at the bench.]

- a. Did you serve on a grand jury or petit jury?
- b. Was it in federal or state court?
- c. When did you serve?
- d. Was it a civil or criminal case?
- e. Was the case given to the jury for deliberation?
- f. Without stating the verdict, please tell us whether the jury returned a verdict.
- g. Do you feel that this experience would in any way affect your ability to serve as a fair and impartial juror in this case?

REQUEST NO. 5

1. Is there anyone who feels that if he or she were selected to sit as a juror on this case, he or she would be unwilling or unable to render a verdict based solely on the evidence presented at this trial and the law, which I will instruct you on at the conclusion of the trial?

2. Does anyone have any matter that you feel you should call to my attention that may have some bearing on your qualifications as a juror or which you feel may prevent you from rendering a fair and impartial verdict based solely upon the evidence and my instructions as to the law?

REQUEST NO. 6

1. Is there anyone who has any difficulty reading, writing, speaking or understanding English?
2. Do you believe your ability to read, write, speak or understand English may have any bearing on your qualifications to sit as a juror or which you feel may prevent you from rendering a fair and impartial verdict based solely upon the evidence and my instructions as to the law?
3. Does anyone have a problem with your hearing, your eyesight, or any other disability that would in any manner prevent you from hearing, seeing, or concentrating on the evidence presented at this trial?

REQUEST NO. 7

1. Does anyone have a conscientious objection, religious belief or other mental reservation such that you could not, in good faith and in good conscience, sit as a juror in this criminal case and return a verdict of guilty if you believed from all the evidence that the United States had proved its case beyond a reasonable doubt?

2. Does anyone have any philosophical, moral, or religious beliefs that would make it difficult for you to judge the guilt or innocence of another person?

REQUEST NO. 8

1. Has anyone seen, read, or heard anything about this case?

[If any juror answers affirmatively, it is requested that the following questions be asked at the bench.]

- a. What have you seen, read, or heard?
- b. Do you feel that you could set aside anything that you saw, read, or heard and render a verdict based solely on the evidence presented and the Court's instructions in this case?

REQUEST NO. 9

1. Do any of you disagree with the idea that everyone is obligated to obey the income tax laws, as well as all other laws of this country?
2. Do any of you feel that violations of income tax laws should not be prosecuted as crimes by the United States?
3. Do any of you feel that the income tax laws of the United States are unconstitutional?
4. Would any of you be inclined to either believe or disbelieve the testimony of an employee of the IRS solely because that person is employed by the IRS?
5. Have you, a family member, or a close friend ever failed to file a federal income tax return when you, that family member, or close friend had enough income to require the filing of a tax return?
6. Do any of you hold any strong personal or philosophical feels about particular provisions of the tax code?
7. Have you, a family member, or a close friend ever had a dispute, claim or negative experience with the IRS, such as an audit?

[If any juror answers affirmatively, it is requested that the following questions be asked at the bench.]

- a. Without going into detail, please generally describe what happened.
 - b. What was the result?
 - c. Do you feel that what you have just described would in any way affect your ability to serve as a fair and impartial juror in this case?
8. Have you, a family member, or a close friend ever been assessed a penalty by the IRS?

[If any juror answers affirmatively, it is requested that the following questions be asked at the bench.]

- a. How long ago?
- b. Was the matter resolved to your satisfaction?
- c. Do you hold any grudges against the government or its employees because of that experience?

9. Have you, a family member, or a close friend ever been audited or investigated by any agency of the federal government, or ever been a party to a lawsuit involving the federal government?

[If any juror answers affirmatively, it is requested that the following questions be asked at the bench.]

- a. Without going into detail, please generally describe what happened.
- b. What agency or agencies were involved?
- c. When did this occur?
- d. Do you feel that what you have just described would in any way affect your ability to serve as a fair and impartial juror in this case?

REQUEST NO. 10

1. Have you, a family member, or a close friend ever been employed as a tax return preparer, or for a business that offered tax preparation or bookkeeping services?

[If any juror answers affirmatively, it is requested that the following questions be asked at the bench.]

- a. Please describe your role and when you held it.
- b. Could the fact that you, a family member, or a close friend held such a position in any way affect your ability to be a fair and impartial juror and evaluate the testimony of individuals who served in similar roles?

2. Do you, a family member, or a close friend have any training, coursework, or experience in accounting or tax preparation?

[If any juror answers affirmatively, it is requested that the following questions be asked at the bench.]

- a. Please describe.
- b. Could the fact that you, a family member, or a close friend have such training or experience in any way affect your ability to be a fair and impartial juror and evaluate the evidence in this case?

3. Have you ever prepared tax returns for anyone besides yourself, or represented yourself or anyone before the IRS or any state tax authorities, such as in Tax Court or an audit?

[If any juror answers affirmatively, it is requested that the following questions be asked at the bench.]

- a. Please describe what you did and for whom.
- b. Were any of the tax returns that you prepared ever the subject of an audit?

If so, please describe what happened and the result.

REQUEST NO. 11

1. Have you ever paid another person or company to prepare your tax returns?

[If any juror answers affirmatively, it is requested that the following questions be asked at the bench.]

- a. Have you ever had a negative experience when you paid for someone else to prepare your taxes? If yes, please describe when and what happened.
- b. Do you feel that what you have just described would in any way affect your ability to serve as a fair and impartial juror in this case?

REQUEST NO. 12

1. Are you or a family member self-employed (either full-time or part-time) or run your own business?

[If any juror answers affirmatively, it is requested that the following questions be asked at the bench.]

- a. Do you keep your business and personal finances separate, such as by maintaining separate business and personal bank accounts?
- b. Have you ever had your business pay personal expenses? If so, please describe what your business paid for and how, if at all, you accounted for it on your books and taxes.

REQUEST NO. 13

1. Do you, a family member, or a close friend work for a health insurance company?

[If any juror answers affirmatively, it is requested that the following questions be asked at the bench.]

- a. Please describe who works for the insurance company and their responsibilities.
- b. This case may include testimony about health care claims and by representatives of health insurance companies. Do you feel that what you have just described would in any way affect your ability to serve as a fair and impartial juror in this case?

2. Do you, a family member, or a close friend work in the medical field?

[If any juror answers affirmatively, it is requested that the following questions be asked at the bench.]

- a. Please describe who works in the medical field and their responsibilities.

3. Have you, a family member, or a close friend ever had a dispute, claim or negative experience with a health insurance company?

[If any juror answers affirmatively, it is requested that the following questions be asked at the bench.]

- a. Without going into detail, please generally describe what happened.
- b. What was the result?
- c. The evidence in this case may include testimony by representatives of insurance companies regarding health care claims. Do you feel that what

you have just described would in any way affect your ability to serve as a fair and impartial juror in this case?

REQUEST NO. 14

1. Have you, a family member, or a close friend ever had a sleep study?

[If any juror answers affirmatively, it is requested that the following questions be asked at the bench.]

- a. Please generally describe when and why you had a sleep study.
- b. How many sleep studies have you had?
- c. Were your study/(ies) ordered by a medical practitioner?
- d. Do you have any strong feelings, positive or negative, about sleep studies?
- e. Were you ever diagnosed with any sleep disorder(s)? If so, what if any treatment was prescribed?
- f. Do you feel that what you have just described would in any way affect your ability to serve as a fair and impartial juror in this case?

2. Have you, a family member, or a close friend ever been diagnosed with a sleep disorder, such as sleep apnea?

- a. What was the diagnosis?
- b. Please describe what, if any, treatment was prescribed?
- c. Is that treatment still ongoing?
- d. Do you have any strong feelings, positive or negative, about sleep disorders or how they are treated?
- e. Do you feel that what you have just described would in any way affect your ability to serve as a fair and impartial juror in this case?

REQUEST NO. 15

1. Have you, a family member, or a close friend ever worked in sleep medicine, such as at a sleep center or for a medical practitioner that treats sleep disorders?

[If any juror answers affirmatively, it is requested that the following questions be asked at the bench.]

- a. Please generally describe who worked there and their job duties.
- b. Do you have any strong views, positive or negative, about sleep medicine or sleep centers?
- c. Do you feel that what you have just described would in any way affect your ability to serve as a fair and impartial juror in this case?

2. Does anyone have strong views, positive or negative, about sleep medicine or the treatment of sleep disorders?

CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2018, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (“NEF”) to all counsel of record.

_____/s/_____
Ryan S. Faulconer
Assistant United States Attorney